

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

March 17, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Mia Lozano-Helland
Wahid Alam

Others Present

Jim Larson
Rick Shaw

CASES

Case No.: ZA09-007

Location: 1560 South Gilbert Road

Subject: Requesting a Special Use Permit (SUP) to increase the height of an existing commercial Communication Tower in the C-2 zoning district.

Decision: Approval with the following conditions.

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The monopole shall have a maximum height of sixty four-feet and eight-inches (64'- 8") at the top of the pole and top of the antennas.*
3. *Compliance with the number, size of antennas, and ground equipment included in the project narrative submitted.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
5. *Provide a 6' high CMU wall to screen the ground mounted prefabricated equipment shelter from the east.*
6. *Approval is conditioned upon removal of monopole at Hampton Inn and antennas mounted on building.*

Summary: Rick Shaw represented the Special Use Permit request. Mr. Gendron discussed the request and asked questions regarding the correct address, height of tower, timing of the removal of existing equipment and the installation of the new equipment with the applicant and staff. Ms. Guevara provided a staff report and recommendation. There were no citizens present to speak regarding the request. Mr. Gendron approved the request as recommended in the staff

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report.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) allows Verizon Wireless to co-locate a new wireless antenna array to an existing monopole that will be extended to 64'-8" from its current height of 50'-6" located in the ADOT right-of-way for US-60 freeway.
- 1.2 The existing monopole has 14 antennas attached to it and all of them are owned by Alltel Communications. Verizon Wireless proposes to reduce the number of existing antennas from 14 to 6 and attach 6 more new antennas to the monopole at a height of 60'-8" from the ground.
- 1.3 In the pre-application planning process, staff has requested to replace the existing monopole so that both companies' coaxial cables would fit inside the new pole. The project narrative describes in detail various reasons why they do not want to replace the existing monopole. Applicant have identified various technical reasons for proposing coax cable "chase" mounted to the exterior of the existing pole, which will not exceed 6" off face of pole.
- 1.4 Verizon's radio equipment and generator will be housed in a new self-contained 12'x20'x11'-3" prefabricated equipment shelter. The shelter will be located approximately 50 feet from the monopole and will be screened by the existing CMU wall 17' high to the north, proposed 10' high CMU wall to the west and proposed 6' high CMU wall to the south. However the exhibits submitted does not show any screening by CMU wall to the east.
- 1.5 The ground lease area will be 24' by 32' and no existing vegetation will be disturbed by its location.
- 1.6 As part of an agreement with ADOT, Verizon Wireless will lease access and utility easement to operate the facility. The utility easements will all be underground and the access easement will be across the existing paved roadway and a small portion of the landscape area adjacent to the monopole.
- 1.7 The applicant has notified all property owners within 300-feet of the request. To date, no comments or concerns have been received from neighbors.
- 1.8 The site is in conformance with the Commercial Communications Tower Guidelines set forth in Mesa Zoning Ordinance Section 11-13-2 (D).
- 1.9 In addition to allowing a co-location on an existing monopole in the US-60 right-of-way, this Special Use Permit (SUP) will also help to eliminate an existing communication tower site and remove antennas from Hampton Inn building located in the PHO Emerald Park

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Case No.: ZA09-008

Location: 3065 South Ellsworth Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to facilitate the development of a charter school in the R-4 zoning district.

Decision: Approved with the following conditions.

- 1. Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
- 2. Perimeter landscape in required landscape areas adjacent to the property lines of the site shall be installed with the first phase of construction when adjacent to residential districts.*
- 3. Landscaping of adjacent undeveloped right-of-way is required in addition to the minimum on-site requirements.*
- 4. Undeveloped parcel shall provide extruded concrete curbing and five-foot wide landscape area along the undeveloped edge(s).*
- 5. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: James Larson represented the case SCIP case. Mr. Gendron discussed the request with the applicant asking questions regarding landscaping, construction timeline and parking requirements. Ms. Guevara provided a staff report and recommendation. There were no citizens present to speak regarding this case; however, Mr. Larson related that he received two calls from neighbors in support of the project. Mr. Gendron approved the request as recommended in the staff report.

Finding of Fact:

- 1.1** The Substantial Conformance Improvement Permit (SCIP) allows a 11,901 s.f. charter school building at the existing Desert Haven Community Church Campus which has an existing 12,509 s.f. building and non-conforming parking lot. The parcel is approximately 5.57 acres. The SCIP facilitates the expansion of the site with the construction of the charter school building without having to remove existing improvements on the site in order to comply with full development standards.
- 1.2** The site plan includes significant improvements to the existing property, including the installation of landscape material at the perimeter of the entire site where none or very sparse landscape material currently exists. The applicant is also proposing to install 24" box trees where 36" box size trees are required and to install 15 gallon size trees where 24" box trees are required. The landscape areas around the perimeter of the site will meet or exceed current yard width requirements.
- 1.3** The SCIP prevents the demolition of an existing non-conforming parking lot. Eight landscape islands will be installed within the parking area to bring the landscape within the parking field into compliance. However, the existing end cap islands and existing median between parking

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spaces do not meet the required 8' in width.

- 1.4** The existing retention basin and a proposed retention basin at the southeast corner of the site do not meet design criteria specified for retention basins. Specifically, the retention basins are linear in design; they are not irregular in shape, are not contoured and designed as specified by Code. The applicant has; however, proposed to landscape the existing retention basin and the proposed basin. Landscape material will be installed on the slope, top, and bottom as required by Code to be an integral part of the landscaping theme.
- 1.5** The foundation base around the existing building does not currently meet code. In order for the foundation base around the existing building to meet code, the applicant would have to remove portions of an existing parking lot and would affect drainage. For the most part, the existing improvements will remain as is, with the addition of landscape islands within the existing parking lot and the addition of landscape material in quantities which comply with Code. All perimeter landscape yards and the material quantities proposed within those yards will comply with Code.
- 1.6** The foundation base shown around the new building will meet code. The applicant will landscape those areas with the required number of trees and shrubs with the exception of replacing 36" box trees with 24" box trees and replacing 24" box trees with 15 gallon size trees.
- 1.7** This development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing parking lot, retention basin, and existing landscape improvements would have to occur to bring the site into full compliance with current site development standards. The Identified site improvements will generally exceed that of adjacent properties. Further, the landscape setback and landscaping will enhance the streetscape along Ellsworth Road and around the perimeter of the site. As a result, the site plan, including the recommended conditions of approval, achieves substantial compliance.
- 1.8** The development is consistent with the General Plan designation of Medium-Density Residential 4-6 du/acre, and is an allowed use in the R-4 zoning district. The approved deviations are necessary to accommodate the development of the charter school building and are commensurate with or exceed the conformance of similar uses in the vicinity of the request. The project presents reasonable improvements to a non-conforming site while meeting the intent of the Site Development Standards. Consequently, the site plan, including staff recommended conditions of approval, represents compliance with the intent of the development standards of the Zoning Ordinance.
- 1.9** The new building is one-story in height and is designed with a similar character to complement the existing two-story building on the site. The building meets or exceeds the required building setback from adjacent residential properties. Consequently, the use will be compatible with and not detrimental to surrounding properties.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:02 p.m.

The cases for this hearing were digitally recorded and available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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